

BOOK NOTICES.

Browne's Kent's Commentaries. By William Hardcastle Browne, of the Philadelphia Bar. 8 vo. One volume. 926 pages. West Publishing Co., St. Paul, 1894.

"Kent's Commentaries on American Law," though a pioneer in its field and written more than threescore years ago, stands today as the most popular exposition of the laws of our country, and fills the same position in the United States that "Blackstone's Commentaries on the Laws of England" fills in England. The work embodies a course of lectures delivered originally by Chancellor Kent before the students of the Columbia Law School, and covers not only the jurisprudence of the Federal Union, but also the municipal law, written and unwritten, of the several States. Comprehensive in plan, easy and perspicuous in style, and rich in historical learning, it occupies an eminent position in legal literature both here and abroad. With Blackstone's Commentaries it forms the nucleus of many a legal library, and is a valuable guide to the student, as well as a great help to the lawyer. The work has passed in rapid succession through many editions and has been encumbered by its numerous editors with elaborate notes, that too frequently added little or nothing to its value. Mr. Browne, believing that the presence of copious notes in commentaries of this character tends to confuse rather than to assist the student, has refrained almost entirely from annotations, and has confined his table of cases to the decisions of American tribunals as cited by Chancellor Kent himself. He has succeeded thereby in bringing the commentaries into one volume, and has enhanced its value by the use of a system of prefatory catch words to each paragraph, so that the student can tell at a glance the subject matter of each sentence. The book is printed in large, clear type on good quality of paper, and is strongly bound in sheep, and makes a valuable volume for student, lawyer or general reader.

The Historical Development of the Jury System. By Maximus A. Lesser, of the New York bar. Bound in sheep. Price, \$2.50. The Lawyer's Coöperative Publishing Co., Rochester, N. Y., 1894.

The origin and gradual development of our jury system, a judicial institution of great antiquity, is an inviting subject for

original research that has tempted many learned and scholarly investigators. Some claim to have discovered the embryonic germ of the present system among the legal institutions of Greece, from whence it was carried into Rome, and from there, through the invasion of Gaul by Cæsar, into England. Others find its prototype in the modes of trial that prevailed from remote antiquity among the Teutonic and Scandinavian nations, while still others claim that the system originated in the form of trial by Compurgators, introduced into England by the Saxons, and subsequently influenced and modified by the establishment of the Inquisitions of the Normans. Mr. Lesser, having familiarized himself with the leading authorities on this subject and having investigated the sources whereon their conclusions were based, has given in this small volume, a short, but comprehensive presentation of the legal institutions suggestive of this system, that prevailed among the Greeks, the Romans, the Teutonic and Scandinavian nations, and the Saxons and Normans, and from these he has developed the history of the jury system. The author, by a critical survey of the entire field, proves that the present jury system has not one, but many origins; that many customs and institutions of various nations exerted a temporary or permanent influence in moulding the system into the form of the assize in which it was formally established by legislative enactment in the reign of Henry II. Many changes were engrafted upon it by subsequent legislation, but at the time of the establishment of England's colonies in America the present jury system was in a state of maturity, and was accepted by the colonists as an inalienable heritage. In his final chapter the author discusses the present aspect of the jury and gives a clear, impartial presentation of the arguments pro and con for its continuance, abolition, or modification. He holds that the defects attributable to the system "arise from four causes, mainly—three extrinsic and one intrinsic: the three former being the faulty methods followed in the selection and assignment of the jurors, the excess to which exemptions from jury duty is carried, and the occasional incapacity of the judge to properly regulate the conduct of the trial; and the last being the prevalence of the principle of unanimity" among the twelve jurors. The work abounds with copious notes from many authoritative writers and with numerous illustrative cases, making it one of the most valuable and authentic treatises on the subject. It is written in a lucid, interesting style for the general reader, and yet sufficiently specific and accurate for the lawyer and student. It is certainly a valuable addition to our legal liter-

ature and should be read by all interested in the genesis and growth of a system that is a fundamental factor of our jurisprudence.

Shipman's Common Law Pleading. By Benjamin J. Shipman. One volume. 8 vo. 370 pages. Price, \$3.75 net. West Publishing Co., St. Paul.

Since our last issue the third text-book in the Horn-book Series has been given the public under the above title. Like its two predecessors, "Norton on Bills and Notes," and "Clark's Criminal Law," it possesses the admirable feature of having the principles and leading rules of common law pleading formulated in black letter paragraphs, which are followed by the author's comments or amplifications in lighter type. This arrangement is one of the distinctive features of the Horn-book Series, and materially aids the student in his search for, and his acquisition of, the fundamental principles of the subject he is studying. In most States the common law system of pleading, with its subtle technicalities, excessive refinements and confusing complexities has been superseded by a system of code pleading, especially designed to bring the facts in controversy to an issue, with the utmost simplicity and certainty. So many rules of the former system remain, however, or have left so marked an influence on the rules of the present system, that a knowledge of common law pleading is essential to a thorough understanding of either equity or code pleading. To bring these important rules and fundamental principles into a more concise and convenient form for the use of law students, than the clearly written but elaborately detailed works of Chitty, Gould and Stephen, Mr. Shipman has written this admirable book. He has confined himself strictly to those rules and principles of common law pleading, that are still recognized and applied in this country, and to those rules that, though obsolete, are the foundation of the present method in use, and he has given special prominence to those rules whose principles are noticeably applied in pleading under the code. The arrangement of the work is admirable. The first chapter gives a general view of the principles and essentials of the different common-law actions; the second conveys a definite and clear idea of what may take place in the regular course of a trial; the third gives an outline of the principal rules relating to parties; and the seven subsequent chapters are devoted to rules of pleading, with such explanations of the reason or principle of each as seems necessary. The book is clearly and succinctly written and should be of great value to law

students, for whom it was especially designed. The binding and typography are of a high degree of excellence. Accompanying each volume is a pamphlet containing quiz questions for the use of students.

A Study of the Money Question. By Hugo Bilgram. Paper. 56 pages. Price 15 cents. The Humboldt Publishing Co., New York.

The money question has been in the past, is to-day, and probably will be in the future, a subject of profound study and discussion. As the waves of trade depression which sweep over this country are invariably preceded by a stringent money market, Mr. Bilgram holds it a strong indication that our monetary system is partially at fault. In this little pamphlet he points out the weaknesses of the present system, with its unnatural restriction upon the amount of money that can be circulated, and outlines what he regards as a practical solution of the money problem. Instead of having the government issue gold certificates, treasury notes and greenbacks with the promise of redemption on demand, which require for their redemption the locking up of hundreds of millions of dollars worth of gold, and which restrict the amount of money issued to only three or four times the value of the gold held in reserve, he would have the government issue notes, with promise of redemption on time notice. This would enable the government to procure at the required time the gold demanded, instead of compelling it to keep on hand an indefinite amount in readiness for an indefinite time. Under such a monetary system the vast sums of gold that are at present withdrawn, would be in circulation and assist in preventing a money stringency. The author's plan is based upon a system of credit money as opposed to the present system of volume money, and is worthy the careful study of every student who wishes to be in touch with one of the most important questions of the day. The subject is discussed candidly, clearly and forcibly, and its strong presentation shows much study and close analysis on the part of the author.